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SUPREME COURT OF THE UNITED STATES.

No. 233.

THE UNITED STATES, APPELLANTS,

vs.

MICHAEL MOORE.

APPEAL FROM THE DISTRICT COURT, U. S., FOR THE EASTERN DISTRICT OF LOUISIANA.

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United States district court, eastern district of Louisiana.

MICHAEL MOORE vs. The UNITED STATES. } No. 133.

Be it remembered, that heretofore, to wit, on the seventeenth day of June, being at the May term, A. D. 1846, of the said court, Michael Moore, by his solicitors, Elmore and King, esqrs., came into the office of the clerk of said court and filed his petition, which is in the words and figures following, to wit:

To the honorable the district court of the United States, for the district of Louisiana.

The petition of Michael Moore, who resides in the State of Louisiana, respectfully represents, that on or about the 11th of September, 1797, at New Orleans, Antonio Yriarte, who was at the time a resident of the then province of Louisiana, for and in consideration of the sum of twenty-four thousand seven hundred and eight reals, by him paid, purchased from the proper authorities under the Government of Spain, to wit, Juan Ventura Morales, the intendent of the province of Louisiana, and Gilberto Leonard, the treasurer of the said province, sixty thousand arpents of land, situated in the district of the Atchafalaya, in the sharp end of land or angle where the Atchafalaya and Mississippi rivers join, or the point formed between the said rivers, at the place the Atchafalaya leaves the Mississippi; all of which more fully appears from the annexed certificate, signed by the said Morales, Leonard, and Cayetano Valdes, the secretary of the said intendant, acknowledging the receipt of the said consideration and the sale of the land as above expressed.

Petitioner alleges, that the rights of the said Yriarte to the said land were protected and secured by the treaty between the United States of America and the French Republic, of the 30th of April, 1803; and that his claim might have been perfected into a complete title, under and in conformity to the laws, usages, and customs of the Government of Spain, under which the same originated, had not the sovereignty of the country been transferred to the United States. Petitioner further alleges, that the said receipt given for the money for which the said land was sold, was duly recorded in the proper records of the Spanish Government, as more fully appears from the annexed duly authenticated copy of said records, certified by Leopold O'Donnel, captain general and governor of the Island of Cuba, a part of the dominions of the Government of Spain, and who is the keeper of said records; all of which more fully appears from the copy and certificates hereunto annexed.

Petitioner alleges that on the 8th of January, 1835, the said Antonio Yriarte, for and in consideration of the sum of sixty thousand reales,

sold and conveyed all his right, title, and interest to the said claim for said sixty thousand arpents of land, to Roque Moreno, as more fully appears from the transfer to that effect hereunto annexed, the signature to which is duly proved and authenticated by the accompanying documents.

Petitioner further alleges, that the said Roque Moreno subsequently, to wit, on the 27th of May, 1838, assigned, transferred, and conveyed, for a valuable consideration, all his right, title, and interest to the said claim for sixty thousand arpents of land, to the order of Messrs. Rosenda, Fernandez & Co., as more fully appears from the transfer signed by the said Roque Moreno, hereunto annexed.

Petitioner further alleges, that the said Rosenda, Fernandez & Co., under the conveyance to them, and by the authority given to them by the said Roque Moreno, did, on the 15th of September, 1838, transfer, assign, and convey the said claim to the said sixty thousand arpents of land to the order of Antonio Garcia Cuesta, who, by virtue of the conveyance and transfer to him, and the authority on him conferred, did, on the 16th of June, 1846, assign, transfer, and convey all his right, title, and interest, and the interest of Roque Moreno, and Rosenda, Fernandez & Co., to the said claim of sixty thousand arpents of land to Michael Moore, the petitioner.

By virtue of the premises, petitioner alleges that he is entitled to the aforesaid sixty thousand arpents of land; wherefore he prays the court to inquire into the validity of his title or claim.

And whereas petitioner has been informed that certain persons have set up claims to portions of said land, to wit, Thomas Butler, John Black, John Hagan, Charles W. Hopkins, Col. Williams, A. Ledow, and A. Miltenberger, petitioner prays that they be cited to answer this petition, and that the United States of America be cited, through the district attorney of the United States, for the district of Louisiana, and that after all due legal proceedings had, the petitioner be decreed to be entitled to the said tract of sixty thousand arpents of land, and that his title to the same be confirmed; and that if it should so happen that any portion of the said sixty thousand arpents shall have been sold or otherwise disposed of by the United States, that the petitioner be allowed to enter a like quantity of the public lands of the United States, in conformity to the provisions of law, and for all other relief in the premises, &c., &c., &c.

(Signed) ELMORE & KING,
Solicitors for petitioner.

Endorsed on the foregoing petition are the following:

Service accepted—a copy of the petition required.
June 17th, 1846. (Signed) S. W. DOWNS,
U. S. Att'y, Dist. of La.

I accept service of the within petition, and waive citation.
Feb. 26th, 1847. (Signed) THOMAS BUTLER.

And afterwards, to wit, at the same term, on the 11th of November, 1846, the United States, by their attorney, Thomas J. Durant, esq., entered their appearance and filed the following answer, to wit:

In the district court of the United States, for the district of Louisiana.

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vs.
THE UNITED STATES.

The answer of the United States, the defendants in the above named cause, respectfully shows, that they deny all and singular the facts and allegations of plaintiff's petition. Wherefore, they pray that plaintiff's petition be dismissed, and that he be condemned to pay all costs.

(Signed) THOMAS J. DURANT, *Att'y U. S.*

And afterwards, to wit, at the December term of 1846 of said court, on the 16th of January, 1847, the following defendants entered their appearances and acceptances of service, to wit:

I hereby accept service of the foregoing petition, and waive citation.

(Signed) P. pro. A. LEDOW,
G. MILTENBERGER.

I acknowledge service of the within petition, waiving citation.

Jan. 4th, 1847. (Signed) JN. BLACK.

I hereby accept service of the petition, and waive service of the citation.

Jan'y 8, 1847. (Signed) JNO. HAGAN.

I hereby accept service of the petition, and waive service of the citation.

(Signed) CHAS. WM. HOPKINS,
H. S. WILLIAMS.

I hereby accept service of the foregoing petition, and waive citation.

(Signed) A. MILTENBERGER.

And afterwards, at the same term, to wit, on the 20th day of January, 1847, the following consent rule to take testimony was filed in this case, to wit:

MICHAEL MOORE
vs.
UNITED STATES et al. } U. S. D. C.

In this case it is agreed that commissions to take testimony be issued to N. R. Jennings, esq., commissioner appointed by the court, upon oral interrogatories by the parties or their agents.

(Signed) ELMORE & KING, *Att's for pl'ff.*
THOMAS J. DURANT,
Attorney of the United States,
for the district of Louisiana.

And afterwards, at the same term, to wit, on the [illegible] day of [illegible], 1847, the following entry was made of record in this case:

MICHAEL MOORE
vs. } 133.
THE UNITED STATES.

Upon motion of Elmore & King, of counsel for plaintiff, and filing a consent rule, it is ordered, that the testimony in this cause be taken before N. R. Jennings, commissioner, orally, or upon interrogatories filed by the parties.

And afterwards, at the February term of this court, to wit, on the 24th day of March, 1847, the following answer of Thomas Butler was filed in this case:

U. S. district court, eastern district Louisiana.

MICHAEL MOORE
vs.
UNITED STATES et al.

The answer of Thomas Butler in the above case respectfully sheweth, that he is in possession of about fourteen hundred acres of the land claimed, being Lafayette grant No. 2, patented to the Marquis de Lafayette 10th April, 1810, for 1,000 acres, the remainder having been purchased from the United States, all in township 2, range 8 east.

(Signed) THOMAS BUTLER.

We are satisfied of the correctness of the above answer, and shall not insist upon a judgment for the purpose of evicting said Butler from the tract described above; but shall only expect a float from the Government of the United States.

(Signed) ELMORE & KING, *Att's for pl'ff.*

I consent to submit the above case to trial, so far as I am concerned, at any time the plaintiff's counsel may desire and waive notice of the same. (Signed) THOMAS BUTLER.

And further, at the same term, and on the same date, the following answer of John Black was filed in this case, to wit:

U. S. district court, eastern district Louisiana.

MICHAEL MOORE
vs.
UNITED STATES et al.

The answer of John Black to the petition of Michael Moore respectfully sheweth, that he is in possession of twelve hundred acres of the land claimed, the upper part of Lafayette grant No. 3, patented to the Marquis de Lafayette 10th April, 1810, by the United States, in township 3, range 8 east; therefore he prays to be hence discharged, &c.

(Signed) JNO. BLACK.

We are satisfied of the correctness of the above answer, and shall not insist upon a judgment for the purpose of evicting said Black from the

[illegible] shall only expect a float from the Government of the United States.

(Signed) ELMORE & KING, *Att'ys for pl'ff.*

I consent to submit the above case to trial, so far as I am concerned, at any time the plaintiff's counsel may desire, and waive notice of the same. (Signed) JNO. BLACK.

And afterwards, at the same term, to wit, on the 3d day of April, 1847, the following replication of plaintiff was filed in this case, to wit:

To the honorable the district court of the United States, in and for the eastern district of Louisiana:

The replication of Michael Moore, complainant, to the answer of the United States of America, filed by the district attorney thereof, in the suit pending in this honorable court between the said Michael Moore and the United States and others.

This repliant, saving and reserving unto himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto saith, that he will aver and prove his said bill to be true, certain, and sufficient in the law to be answered unto, and that said answer of said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any matter or thing whatsoever in said answer contained, material or effectual in law to be replied unto, confessed and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove, as this honorable court shall direct; and humbly prays as by his said bill he has already prayed.

(Signed) ELMORE & KING,
Solicitors for compl't.

And afterwards, at the same term, to wit, on the 8th day of April, 1847, the following entry was made of record in this case, to wit:

MICHAEL MOORE
vs. } 133.
The UNITED STATES.

Upon motion of Elmore and King, of counsel in the above entitled cause for petitioner, it is ordered, that the said cause be fixed for trial for Wednesday, the 21st instant, at 10 o'clock, a. m., and that the district attorney be notified thereof.

And afterwards, at the same term, to wit, on the 21st day of April, 1847, the following entry was made of record in this case:

MICHAEL MOORE
vs. } 133.
The UNITED STATES.

This cause fixed to-day for trial was called; upon motion of counsel for the plaintiff, and for reasons set forth, it is ordered by the court that the cause be continued.

And afterwards, at the December term of 1847, to wit, on the 21st of January, 1848, the following consent for [illegible] in this case, to wit:

U. S. D. C.

MICHAEL MOORE
vs.
The UNITED STATES.

It is agreed that a commission may issue to R. B. Campbell, at Havana, to examine witnesses in the above case.

January 21st, 1848.

(Signed) THOMAS J. DURANT,
Attorney U. S. for La.
ELMORE & KING.

And afterwards, at the February term of 1848, to wit, on the 4th day May, 1848, the following entry was made of record:

MICHAEL MOORE
vs. } 133.
The UNITED STATES.

The trial of this cause fixed for to-day, was continued until to-morrow morning, at 10 o'clock, a. m.

And afterwards, at the same term, to wit, on the 5th day of May, 1848, the following entry was made of record in this case:

MICHAEL MOORE
vs. } 133.
The UNITED STATES.

By consent of counsel, it is ordered, that this cause be fixed for trial on Wednesday, the 17th instant.

And afterwards, at the May term of 1848, to wit, on the 17th day of May, 1848, the following entry was made of record in this case:

MICHAEL MOORE
vs. } 133.
The UNITED STATES.

By order of the court this cause was continued until Friday next, the 19th inst.

And afterwards, at the same term, to wit, on the 19th day of May, 1848, the following entry was made of record in this case:

MICHAEL MOORE
vs. } 133.
THE UNITED STATES.

This cause came up to-day for trial; W. W. King, esq., appearing for the plaintiff, and Thomas J. Durant, esq., U. S. district attorney, for the defendants.

after hearing evidence on behalf of the plaintiff, the court continued the further trial of the cause until to-morrow morning, at 9 o'clock.

Evidence offered on the part of the plaintiff on the 19th of May, 1849.

(1o.) Original title—Document marked A, which is in the words and figures following, to wit:

[For diagram see original.]

Señor teniente Corregidor:

Dn. Rogue Moreno, residente en la actualidad en esta corte por la via y forma que mejor corresponda a derecha ante V.S., paresco y digo, que, segun se acredita por el documento que con la vitualidad debida presento, Dn. Antonio Yriarte, tenia accion a sesenta mil arpanes de tierra planos que se le beneficiaron, a favor de la rl. hacienda, en el distrito de Chafalaya y el Misisipi, en el punto donde se juntan los dos, (terrenos que hoy se hallan bajo el gobierno de la republica de los Estados Unidos de America.) Segun por menor aparece de dicho documento otorgado por los Señors Intendente y Contador interinos de la provincia de la Luisiana, en la fecha de once de Setiembre de mil setecientos noventa y siete, que data dicho papel. En ocho de Enero del corriente año, he comprado ese documento con todas las acciones y derechos que de el nacen como lo accredita el endose que a su reverso se halla suscrito por el mismo Dn. Antonio Yriarte. Y como quiera que para la legal autenticidad en la mas bastante forma en derecho, y a fin de hacerlo valer en aquellos paises estrangeros. Me sean precisos el reconocimiento judicial de dicho endose y su firma asi como la competente comprobacion y certificatos que para esto se requieren, ocurro con tal objeto a V.S.

Suplicandole se sirva mandar que el cesionario Dn. Antonio Iriarte, reconosca en debida forma por ante el presente escribano el contenido de dicho endose y su firma previa la religiosidad del juramento, y que asi fecho se me entreguen las diligencias originales con la legalizacion de tres escribanos, para obtener los demas atestados de que dijo hecho merito, en lo principal segun corresponde a justicia que pido con el juramento necesario, &c.

Madrid, 17 de Febrero, de 1835.

(Signed) ROQUE MORENO.

Auto. Por presentado el documento que acompaña, practiquese el reconocimiento que se solicita, compareciendo ante S. S. Dn. Antonio Yriarte, en la audiencia posterior a la notificacion que se le haga; y fecho, entreguense las diligencias originales al promovente con la comprobacion que pide en su anterior solicitud. Lo mando el Sor Dn. Mateo de Norragaray, teniente corregidor en Madrid, á diez y ocho de Febrero, de mil ochocientos treinta y cinco.

(Signed) DOMINGO BANDE.

Notificacion.

En Madrid, á dies y ocho de Febrero del referido año, notifiqué la providencia que antecede á Dn. Roque Moreno; doy fee.

(Signed) BANDE.

Citacion.

En Madrid, en dicho dia cité con la providencia anterior para el fin y objeto à que se dirige, à Dn. Antonio Yriarte, quien enterado digo que se daba por citado y compareceria el dia de mañana; doy fee.

(Signed) BANDE.

Dn. Juan Ventura Morales y Dn. Gilberto Leonard, intendente y contador interinos de la provincia de la Luisiana, &c.

No. 2. Venta de terras, Realengas. Folio 31.

Recivimos de Dn. Antonio Yriarte, veinte y cuatro mil reales por el importe de sesenta mil arpanes de tierra planos, al respecto de cinco sueldos cada uno que se le cerreficiaron á fabor de la real hacienda en el distrito de Chafalaya y el Misisipi, en la punta donde se juntan los dos, segun consta del folio treinta y uno del libro manual de esta tesoreria, y los setecientos ocho, restantes por el derecho de dos y medio por ciento de media annata sobre el valor de dichas tierras y su diez y ocho de conducion à España deducido del producto de esta, segun consta de la minuta que se halla bajo el numero de esta partida, a saber:

Por el valor de dichas tierras - - - - -	24,000
Su media annata y 18 po. - - - - -	708
	24,708

Nuevas Orleans, y Sept. 11, de 1797.

(Signed) MORALES.
" LEONARD.
" VALDES.

Mediante a que en esta fecha he recibido del Sor. Don Roque Moreno, la cantidad de cincuenta mil reales vn. en que le he vendido el presente documento, cedo, traspaso, y renuncio en dicho Sor., todas los derechas y acciones que me daba este papel, los cuales se entenderan a fabor suyo; á cuyo efecto le pongo en mi propio lugar y grado. Y para la debida constancia suscribo esta cesion o endoso en la villa y corte de Madrid, a 8 de Enero de 1833.

(Signed) ANT. YRIARTE.

Diligencia reconocimiento.

En Madrid, a diez y nueve de Febrero, de mil ochocientos treinta y cinco, ante el Señor Don Mateo de Norragaray, teniente corregidor de esta villa y corte, comparecio Don Antonio Yriarte, natural que dijo ser de Asturias, residente en esta corte, de quien yo el presente escribano recibi juramento, que presto por Dios y la Santa Cruz, con arreglo á

y presentado de manifiesto el documento de fojas dos, que aparece otorgado á su favor por los S. Srs. yntendente y contador interinos de la provincia de la Luisiana, á los once de 7bre del año pasado de 1797, y el endoso que á su reverso se halla estendido, á los ocho de Enero, del corriente año, á favor de Don Roque Moreno, y autorizado con el nombre y apellido del compareciente; vistolo y reconocido detenidamente, dijo, que es cierto, verdadero, y positivo el documento que tiene á la vista, como asi mismo, cierto tambien y verdadero el endoso que se halla á su reverso a favor de Don Roque Moreno, á quien vendio realmente dicho papel con cuantos derechos y acciones pudieran tocar ó corresponder al que halla, mediante à la suma de cincuenta mil rs. vellon, que de aquel ha recibido á su satisfaccion, y que la firma y rubrica que valoriza el repetido endose y espresa el nombre y apellido del declarante es de su puño y letra, uso y costumbre, y por tal la reconoce, ratificiando á mayor abundamiento, y si fuere necesario el contenido; que es mayor de cincuenta años, y leida que le fué esta diligencia espresando estar bien y fielmente escrita la firmo con S. S., de que yo el presente escribano doy fee.

(Signed) NORRAGARAY.
" ANT. YRIARTE.
" DOMINGO BANDE.

Comprobacion.—Los es'nos de S. M. y del ylustre colegio de esta corte, que aqui signamos y firmamos certificamos, y damos fee qui el Sor. Don Mateo de Norragaray y Don Domingo Bande, por quienes se allan autorizadas las antecedentes diligencias son, el primero teniente de corregidor de esta muy eroica villa, y el segundo ess'no de S. M. y de dho. ylustre colegio, segun se titulan y nombran fieles legales, y de toda confianza y a las firmas que de sus puños y letras aparecen, y con que autorizan siempre se les ha dado y dá entera fee y credido asi en juicio como fuera de el; y para que conste donde combenga damos el presente sellado con el de dho. nuestro colegio en Madrid a siete de Setiembre de mil ochocientos treinta y cinco.

(Signed) SEBASTIANO CYPRIANO DE CASTRO.
ZACARIAS DELGADO.
FRANCISCO PEREZ PEDRERO.

Don Miguel de Sarralde, abogado de los tribunales superiores del regno, e individuo del yllo. colegio de esta muy heroica villa y corte de Madrid, teniente de corregidor interino de ella, que despacha la audiencia del Señor Don Miguel Garcia Cornejo, que lo es en propriedad, &ca., &ca.

Certifico, que Don Sebastian Cipriano de Castro, Don Zacarias Delgado, y Don Francisco Perez Pedrero, por quienes se halla dada y autorizadas la comprabacion que antecede, son escribanos de S. M. la Reyna, nuestra Señora, notarios del Reyno, vecinos y del colegio de esta villa, cuyos signos y rubricas son los que usan en los actos de su oficio, el que desempeñan bien y fielmente á mi satisfaccion, y demas juz-

gados de esta capital, dandose á todos aquello [illegible] ambos precios. Y para que conste firmo la presente en Madrid [illegible] de Setiembre de mil ochocientos treinte y cinco.

(Signed) MIGUEL DE SARRALDE.

Don Manuel Garcia Herreros, procer del Reyno, del consejo de estado, notario mayor de los reynos, y secretario de estado y del despacho universal de gracia y justicia de España e India, &ca., &ca.

Certifico, que Don Miguel de Sarralde, por quien esta autorizado el anterior documento es tal teniente de corregidor interino de la villa y corte de Madrid, como se titula y de su puño la firme pone. Y para que conste doy el presente en Madrid, á catorce de Setiembre de mil ochocientos treinte y cinco.

(Signed) ML. GARCIA HERREROS.

Don Juan Alvarez y Mendizabal, caballero gran cruz de la antigua y muy noble orden de la Torre y Espada de valor, lealtad, y merito de Portugal, secretario de estado y del despacho de hacienda de España é Indias, y encargado interinamente de las secretarias del despacho de estado, y de la de marina, &ca., &ca.

Certifico, que la firma que antecede, es del Sr. Don Manuel Garcia Herreros, secretario de estado y del despacho universal de gracia y justicia, como se titula. Madrid, diez y ocho de Septe., de mil ochocientos treinta y cinco.

(Signed) MENDIZABAL. [SEAL.]

LEGACION DE LOS ESTADOS UNIDOS DE AMERICA,
Madrid, 23 de Setiembre, de 1835.

Yo, el infrascrito Cornelio P. Van Ness, ministro plenipotenciario de los Estados Unidos de America, cerca de S. M. C., certifico por la presente, que el ex'mo S. D. Juan Alvarez y Mendizabal es el secretario interino del despacho de estado de S. M. C., y por lo mismo ministro de relaciones estrangeras; y que la firma y nombre que aparece en el precedente certificado es de su propio puño y letra. En testimonio de lo cual firmo el presente, estampando el sello de la legacion de mi cargo.

(Signed) C. P. VAN NESS. [SEAL.]

Paguese á la orden de los Señores Dn. Rosendo Fernandez y compañia el importe del documento que aqui se accompaña valor en cuenta con los antedichos Señores. Madrid, 27 de Mayo, de 1838.

(Signed) ROQUE MORENO.

Segun carta de Don Roque Moreno de 28 de Julio, pasamos estos documentos á la orden de Dn. Antonio Garcia Cuesta, sin ninguna responsavilidad de nuestra parte. Habana, 15 de Set're, de 1838.

(Signed) ROZENDO FERNANDEZ Y CA.

I hereby assign, transfer, and convey to Michael Moore all my right, title, and interest, and the interest of Roque Moreno and Rozendo, Fer-

&c., to the foregoing title, and to the sixty thousand arpents of land therein mentioned. June 16th, 1846.

(Signed) ANTONIO GARCIA CUESTA.

(The words "assign, transfer, and convey," appear in the original.

Attest: ROBT. M. LUSHER,
Dep'y clerk, on collating.)

"*Translation of the foregoing document, marked A,*" *offered in evidence by plaintiff on the* 19 *of May*, 1848.

4th seal, 40 maravedes. Year 1835.

To his Excellency the Lieutenant Mayor, (Teniente Corregidor:)

I, Don Roque Moreno, now residing in this royal city, do, in the form prescribed by law, appear before your excellency and state that, by the document here annexed, which is in due form, it is evident that Antonio Yriarte had just rights and claims to sixty thousand superficial arpents of land, which for amount of the royal treasurer have been sold to him in the district of country of Chafalaya and the Mississippi, at the point where the two unite, which land is now under the dominion of the Republic of the United States of America; all of which is minutely described in said document, which was delivered, by Messrs. the intendant and the comptroller pro temp. of the province of Louisiana, on the eleventh day of September, one thousand seven hundred and ninety-seven, the date of said document. That, on the eighth day of January of the present year, I purchased said document, with all the titles and rights appertaining to it, as shewn by the endorsement or writing on the back of said document, signed by said Don Antonio Yriarte; and as it may be necessary, in order to give to said document the greatest authenticity and legal validity possible, and dispose of it in foreign countries, that I may require the acknowledgment before the judicial authority of *of* said endorsement and signature, and that also the evidence of said acknowledgment having been made before the proper and competent authorities, may also be required, I pray you will please order that said Don Antonio Iriarte (the transferar) does acknowledge, in due form, before the present notary, and under the sanctity of an oath, the tenor of the aforesaid endorsement and signature attached to it; and, when this is done, that the original proceedings be handed to me, with the attestation of three notaries, in order to fulfil the other formalities mentioned in this petition. So will justice be done, which I solicit from you, and I take the oath agreeably to law, &c., &c.

Madrid, 17 February, 1835.

ROQUE MORENO.

Decree.

Agreeably to the petition presented, let the acknowledgment asked be taken, and Don Antonio Iriarte appear before you at the next audience or hearing after notification of this decree; and this done, let the original

proceedings be delivered to the petitioner, with the evidence [illegible] for in his petition; thus decreed by Don Mateo de Noriegueay, lieutenant mayor of Madrid, on the 18th of February, 1835.

DOMINGO BANDE.

Notice.

In Madrid, on the 18th day of February of the above year, I did notify Don Roque Moreno of the foregoing decree. Certified.

D. BANDE.

Citation.

In Madrid, on the above day, I did summon, agreeably to the foregoing decree, Don Antonio Iriarte, who, being informed of its object, said that he considered himself summoned, and would appear to-morrow. Certified.

D. BANDE.

No. 2.—Sale of royal lands; page 31.

Don Juan Ventura Morales and Don Gilberto Leonard, intendant and comptroller, pro temp., of the province of Louisiana.

We have received from Don Antonio Iriarte twenty-four thousand bits, (12½ cts. each,) for the value of sixty thousand superficial arpents of land, at the rate of five cents per arpent, which land has been sold to him for amount of the royal treasurer in the district of country of Chafalaya and the Mississippi, on the point where the two unite; which payment is entered in folio 31 of the journal of this treasury department, and seven hundred and eight bits, (12½ cents each,) the amount due for the two-and-a-half per cent. for the duty of half-yearly tribute, and eighteen per cent. for the transportation of said half-yearly tribute to Spain, have also been paid, as shewn by the amount below, namely:

	Bits.	Bits.
For the value of said land - - - -	24,000	
The half-yearly tribute and eighteen per cent. for its transportation to Spain - - - - -	708	
		24,708

New Orleans, 11 September, 1797.

(Signed) MORALES,
LEONARD,
VALDES.

Having received on this day, from Don Roque Moreno, the sum of fifty thousand bits, (12½ cents each,) in consideration of which I have sold to him the above document, I hereby cede, grant, and transfer to the aforesaid purchaser all the rights and titles which I had in virtue of said document, which titles and rights will be hereafter his own, and consequently I place him in my stead and rights.

In faith whereof I subscribe or sign this transfer in the city and court of Madrid, on the 8th of January, 1835.

ANTONIO IRIARTE.

Act of acknowledgment.

In Madrid, on the 19th day of February, 1835, before Don Mateo de Norragary, lieutenant mayor of this royal city, appeared Don Antonio Iriarte, who declares that he is a native of the Asturias, and resides in this city; and I, notary, then present, having taken his oath, which he made in the name of God and on the holy cross, agreeably to law, and after showing to him the document on page No. 2, which document appears to have been made out in his favor by Messrs. the intendant and the comptroller, pro temp., of the province of Louisiana, on the eleventh day of September, of the year one thousand seven hundred and ninety-seven, and the endorsement or writing on the back, dated the 8th day of the present year, in favor of Don Roque Moreno, and in the name of deponent, he (the deponent) after examining attentively the document shown to him, declares that it is true, genuine, and real, and that the writing or transfer on the back of said document is also true, genuine, and real; and that he did sell said document, with all the titles and rights relative to what is therein mentioned, for the sum of fifty thousand bits, which sum he acknowledges having received, and that the signature and flourish to the endorsement or transfer, purporting to be the name of deponent, is in his own and usual handwriting, and consequently that he acknowledges and ratifies, in case of need, the tenor of said transfer. Deponent further states that he is upwards of 50 years old; and on this declaration being read to him, he states it has been well and faithfully committed to writing, and he did sign it with us.

In faith whereof I, notary undersigned, do certify this.

(Signed) ANTONIO IRIARTE,
" DOMINIGO BANDE,
" NORRAGARY.

Certificate.

We, the undersigned, notaries of her Majesty, and members of the illustrious corporation of notaries of this royal city, hereby attest, certify, and say, that Messrs. Don Mateo de Norragary and Don Domingo Bande, by whom the above declaration has been legalized are, the first, lieutenant mayor of this very good city, and the second, notary for her Majesty, and a member of the above illustrious corporation; that they are really the persons and officers mentioned above, and as such are entitled to confidence; that their signatures and attestations have been and are entitled to credit and faith in courts of justice and elsewhere. In faith of which we give this certificate, to be used whenever necessary. Sealed with the seal of our corporation, in Madrid, on the seventh day of September, of the year 1835.

(Signed) SEBASTIEN CYPRIANO DE CASTRO,
" ZACHARIAS DELGADO,
" FRANCISCO PEREZ PEDRERO.

I, Don Miguel de Larralde, lawyer of the supreme courts of the kingdom, and member of the illustrious corporation of lawyers of this good city and court of Madrid, lieutenant mayor pro temp. of this city, and of the tribunal of Don Miguel Correyo, who, as the mayor, &c., &c., do certify, that Don Sebastien Cypriano de Castro, Zacharias Delgado, and Perez Pedrero, by whom the foregoing attestation has been given, are notaries for her Majesty, the Queen, also notaries of the kingdom and resident members of the corporation of notaries of this city; that the foregoing signatures and flourishes are those habitually used by them in their official acts, which acts they discharge well and faithfully, to the satisfaction of all the tribunals of this capital, which give to said official acts full and entire faith and credit.

In faith whereof I give these presents, in Madrid, on the 12th day of September, 1835.

MIGUEL DELARRALDE.

I, Don Manuel Garcia Herreros, of the nobility of the kingdom, of the council of state, principal notary of the kindom, secretary of state, and member of the commission of favors and justice for Spain, &c., &c., &c., do certify, that Don Miguel Delarralde, by whom the above document has been given, is lieutenant mayor pro temp. of the city and court of Madrid, as he represents himself, and that the above signature is his own.

In faith whereof I give these presents, in Madrid, on the 14th day of September, 1835.

M. GARCIA HERREROS.

I, Don Juan Alvarez de Mendezabel, knight grand cross of the ancient and very noble order of Portugal of the tower and sword, valor, loyalty, and merit, secretary of state, and of the department of the treasury of Spain and India, and provisionally entrusted with the department of state and of the navy, &c., &c., do certify, that the foregoing signature is that of Don Manuel Garcia Herreros, secretary of state and of the commission of favors and justice, as he represents himself.

Madrid, 18th September, 1835. MENDEZABEL.

OFFICE OF LEGATION OF THE U. S. OF AMERICA,
At Madrid, 23d September, 1835.

I, the undersigned, Cornelius P. Van Ness, minister plenipotentiary of the United States of America, near her Catholic Majesty, hereby certify, that his excellency, Don Juan Alvarez de Mendizabel is the Secretary pro temp. of the department of state of her Catholic Majesty, and also minister of foreign affairs, and that the name and signature which precede are his own. C. P. VAN NESS.

Pay to the order of Messrs. Don Rosendo Fernandez & Co., the value of the document hereto annexed, for value in account with said gentlemen.

Madrid, 27th May, 1838.

ROQUE MORENO.

Agreeably to a letter from Don Roque Moreno, of 28th of July last, we transfer the above documents to Don Antonio Garcia Cuesta, or order, without any recourse whatsoever against us.

Havana, 15th September, 1838.

R. FERNANDEZ & CO.

I hereby assign, transfer, and convey to Michael Moore, all my right, title, and interest, and the interest of Roque Moreno and R. Fernandez & Co., to the foregoing title, and to the sixty thousand arpents of land herein mentioned.

ANTONIO GARCIA CUESTA.

(2°) And further, on the said 19th day of May, 1849, the plaintiff offered in evidence "the original communication from O'Donnel, governor of Cuba;" which is in the words and figures following, to wit:

Governio superior civil de la isla de Cuba.

En of'o de 22 de Feb'o, p'mo p'do dije a V. S. lo sig'te.

El escmo. sor. intendente de ejercito, superintend'te gral. delegado de rl. hacienda de esta isla, en of'o de 18 del actual, me dice lo que copio. Es'cmo s'or. Para poder contestar el oficio de V. S. de 8 del corriente con qe. se sirvio dirigirme la communicacion qe. devuelvo adjunta del sor. consul de S. M. en Nueva Orleans, solicitando ciertas noticias, lo pase el archivo general de rl. hacienda el cual me ha informa de lo siguente. Esc'mo sor. A fojas 31 del libro manual de la cuenta de la tesoreria pral. de egercito y rl. hacienda de la prova. de la Luisiana, correspond'te al año pasado de 1797, se halla sentada una partida qe. a la letra es como sique. Sete. 11. Recibimos de Don Anto. Iriarte veinte y cuatro mil rs. importe sesenta mil arpanes de tierra planos, al respecto de cinco sueldos cada una, qe. se le beneficiaron a favor de la rl. hacienda en el distrito de Chafalaya y el Misisipi en la junta donde se juntan los dos, y los setecientos ocho restantes por el derecho de dos y medio pr. ciento de media annata sobre el valor de dichas tierras, y su diez ocho pr. ciento de conducion a España deducido del producto de esta, segun consta de la minuta qe. se halla bajo el memo. de esta partida, a saber. Por el valor de dichas tierras veinte y cuatro mil; su media annata y dies y ocho pr. ciento; setecientos ocho; Morales, Leonard, Valdes, Antonio Iriarte; veinte y cuatro mil setecientos ocho. Esto es cuanto consta, respecto de la enagenacion qe. el Gobo. Español hizo en la Luisiana a Don Antonio Iriarte de los sesenta mil arpanes de tierra, a qe. con referentes el of'o del escmo. sor. capn. gral., y el del sor. consul de S. M. en Nueva Orleans qe. incluye; por qe. é bien no se han trastadado á esta dependencia de mi cargo los antecedentes, ó estos fueron de los qe. padecieron estravio al venir de aquella provincia a esta isla, o los qe. tuvieron la desgracia de destruirse por la polilla y la numedad en el deposito donde se hallaban, desde que retrageron a esta plaza. Tampoco se encuentra el testimonio del auto defenitivo pronunciado por el jurgado de aqa. intendencia

qe. sirvio pa. el ajuste de lo qe. debia satisfacerse por el comprador [illegible] por consiguiente por esta oficina no puede ampliarse el contento literal de la partida transcrita, ora señalado limites, area o estension, ora facilitando documentos con qe. los interesados jusdieran ampliarlo. Lo qe. transcribo á V. S. de conformidad pa. los efectos oportunos en respuesta á su oficia precitado. Y lo traslado a V. S. pa. su conocim'to y en contestacion a su oficio de 25 del mes pmo. pdo. qe. trata del asunto.

Lo qe. reitero a V. S. por si el ant'or ha padecido estravio.

Dios gue. á V. S. ms. ans., Habana, 11 de Abl., de 1845.

Signed, LEOPOLDO O'DONNELL.

Sor. Consul de España en Nueva Orleans.

(*Certificate annexed to the foregoing document.*)

Consulate of the United States of America, Havana.

I, Robert B. Campbell, consul of the United States of America, do hereby certify, that the signature annexed to the official document hereto attached, is the true and genuine signature of his excellency, Sr. Dn. Leopoldo O'Donnell, govr., capt. genl. of the Island of Cuba, and whose official acts, as such, are entitled to full faith and credit.

In testimony whereof I hereunto set my hand and affix my seal of office, at Havana, this fourteenth day of April, in the year of [SEAL.] Lord one thousand eight hundred and forty-five, and of the independence of the United States the sixty-ninth.

(Signed) ROBERT B. CAMPBELL.

Translation of the foregoing document.

In my official letter of the 22d of February, I communicated to your excellency what follows:

His excellency the intendant for the army, sub-intendant general, and delegate of the royal treasury of this city, in his official letter of the 18th of this month, communicates to me what follows:

ESTEEMED SIR: In order to be able to answer your official letter of the 8th inst., in which you inclosed me a letter from the consul of her Majesty, in New Orleans, asking certain information, I sent said letter to the general archives of the royal treasury, and have obtained the following information. At folio 31, of the book (journal) of the comptroller for the army and department of the royal treasury, for the province of Louisiana, for the year 1797, is an entry, of which what follows is an exact copy:

September 11th. We have received from Don Antonio Iriarte, twenty-four thousand bits, for the value of sixty thousand superficial arpents of land, at the rate of five cents per arpent, which land has been sold to him, for amount of the royal treasury, in the district of county of Chafalaya and the Mississippi, on the point where the two unite; and the seven hundred and eight bits, for the balance due for the duty of 2½ per cent. for half yearly tribute on the value of the land, and eigh-

1842.

fifteen per cent. for the transportation of said half yearly tribute to Spain, have also been paid as appears by the account below.

For the value of said lands - -	24,000 bits	
The half yearly tribute, and 18 per cent. for its transportation to Spain - -	708 bits	
		24,708 bits

MORALES, LEONARD, VALDES.

Antonio Iriarte, 24,708 bits.

This is all that appears in relation to the transfer, which the Spanish Government made in Louisiana, to Don Antonio Iriarte of the 60,000 arpents of land, of which mention is made in the official letter of his excellency the Captain General, and also in the letter of the consul of her Majesty, at New Orleans, inclosed therein; whether it be in consequence of the documents appertaining to the subject matter not having been transferred to this office, now under my charge, or they were among those which have been lost on the way to this island, or of those which were destroyed by the moths and humidity in the place where they had been deposited since they were received here, neither can be found the decree or copy issued by the tribunal of this intendancy, ordering to be made out the calculations of the amount to be paid by the purchaser for said land; and consequently this office cannot give any thing more than what has already been stated in relation to the boundaries, dimensions of the land, or furnish any thing by which the parties interested may do so. The above is in answer to your letter, above mentioned, and I transmit this information to you for your knowledge, and in answer to your letter of the 25th of last month, having reference to this subject.

I transmit to you the above information in case the first communication of a similar nature should have been mislaid or lost.

May God preserve you many years.

Havana, 11th April, 1845. LEOPOLD O'DONNELL.

(3°.) And further, on the same day, the plaintiff offered in evidence a certain document marked "A a," being letters of Moreno.

Tercera carta.—S'res. D. Rosendo, Fernandez y Compañia, Habana, Madrid, veinte y ocho de julio de mil ochocientos treinta y ocho. Muy s'res mios: Cuando escribi a vds. la del veinte y ocho de Mayo ulto. y su duplicado de veinte y seis de Junio ignoraba varias circumstancias que he sabido des pues, relativas al asunto de los sesenta mil arpanes de tierra de la Luisiana, que compré a D. Antonio Iriarte. No sabra entonces como me han informado despues, que la reclamacion que les encomendé establecer contra el Gobierno de los Estados Unidos, no es de tan pronto resultado como yo me habia prometido; y por dha. parte me han asegurado tambien que nunca se medará posecion de esos terrenos, sino reniego de mi patria haciendome ciudadano de los Estados Unidos, ni por todo el oro del mundo havia yo semejante cosa, ni pienso mas que

en ir á morir tranquilo á mi aldea cuando pasen algunos años. Por esta razon me ha parecido prudente escribir á vds. autorizandolo amplia y completamente para vender el titulo que les remité de los ya dichos sesenta mil arpanes, bien sea en esa plaza si encuentran comprador, ó bien en otra cuales quierra donde vds. crean que puedan venderse con mas estimacion: en el epuesto que habiendome costado á mi cincuenta mil reales segun les tengo manifestado, siempre les abonaré á vds. el diez por ciento que les ofreces, sobre la parte de utilidad que a mi me resulte en el negocio. Yo estoy segura que esta operacion se hara muy pronto por la procimimidad en que vds. se encuentran de la Luisiana, y que por ahi sabran apreisar lo que vale ese titulo de tierras: lo que no puede en Madrid. Pero si por un acontecimiento que no esta á mizalcances, no pudiesen vds. venderlo, me lo manifestaran con toda franqueza para tomar yo mis disposiciones sobre esta particular. El importe siquido que a favor mio resulte luego que verifiquen vds. la venta, me lo remitiran en lettras sobre Loudres, dirigiendomelas siempre a esta corte; las facciones nos dan que hacer mucho por aqui; bien deber á vds. considerarse felices por la paz octaviana que diefrutan. Par el correo numero tres llegaron y ya estan en mi poder los dos mil cigarros puros que se sirvieron vds. remitirme, y no ocurriendo otra cosa se repite de vds. affimo. y asento S. G. B. M. Roque Moreno. S'res. D. Rozendo, Fernandez y Compañia. Duplicado, Habana, Madrid veinte y ocho de julio de mil ochocientos treinta y ocho.

Carta id.—Muy s'res mios: Cuando escribi à vds. la de veinte y ocho de Mayo ultimo, en su duplicado de veinte y seis de Junio, ignoraba varias circunstancias que he sabido despues, relativas al anunto de los seis mil arpanes de tierra de la Louisiana, que compré á D. Antonio Iriarte. No sabia entonces como me han informado despues que la reclamacion que les encomendé establecer contra el Gobierno de los Estados Unidos no es de tan pronto resultado como yo me habia prometido, y por otra parte me han asegurado tambien que nunca se medará posecion de esos terrenos, sino reniego de mi patria haciendome ciudadano de los Estados Unidos. Ni por todo el oro del mundo havia yo semejante cosa, ni pienso mas qe. en ir á morir tranquilo á mi aldea cerando pasen algunos años. Por esta razon me ha parecido prudente escribir á vds. autorizandolos amplia y completamente para vender el titulo que les remité de los ya dichos sesenta mil arpanes bien sea en esa plaza si encuentran comprador, o bien en otra cualesquiera donde vds. crean que puedan venderse con mas estimacion; en el supuesto que habiendome costado á mi cincuenta mil reales segun les tengo manifestado, siempre les abonaré a vds. el diez por ciento que les ofreis, sobre la parte de utilidad que á mi me resulte en el negocio. Yo estoy seguro que esta operacion se hara muy pronto por la proccimidad en que vds. se encuentran de la Luisiana, y por que ahi sabran apreciar lo que vale ese titulo de tierras; lo que no puede en Madrid. Pero si por un acontecimiento que no esta a mis alcances no pudieren vds. venderlo me lo manifestaran con toda franqueza para tomar yo mis disposiciones sobre este particular. El importe liquido que a favor mio resulte luego

que se quiera vds. la cuenta, me lo remitiran en letras sobres Londres, dirigiendomelas siempre a esta corte. Las facciones nos dan que hacer mucho, por que bien deben vds. considerarse felices por la paz octaviana que disfustan. Por el correo numero tres llegaron y ya estan mi poder los dos mil cigarros puros que se sirvieron vds. remitirme. Y no ocurriendo otra se repito de vds. aff'mo y attento S. Q. S. B.

ROQUE MORENO.

Veinte y siete de Agosto, ayer llego a esta corte procedente de esa isla nuestro comun amigo D. Vicente Zalazar bastante enfermo; pero es probable que muy luego se mejore con los banos de sacedon. Nada mas ocurre de nuevo que decir a vds. y por lo tanto me despido por hoy que dando de vds. aff'mo amigo y S. S. Q. B. S. M.

ROQUE MORENO.

Quinta id.—S'res D. Rosendo, Fernandez y Compañia, Habana. Madrid, veinte y seis de Noviembre, de mil ochocientos treinta y ocho. Muy s'res mios: Tengo a la vista su apreciable del treinta de Setiembre ultimo, en que me participan haber vendido mi titulo de los sesenta mil arpanes de tierra en la Luisiana à D. Antonio Garcia cuesta de esa, por la suma de ocho mil pesos fuertes sin responsalidad, cuya cantidad deducido. Sobre los cinco mil quinientos que forma la utilidad de este negocio, y deducido asi mismo el saldo que les adendaba en cuenta hasta la fecha, es ya en mi poder con los mil tres cientos setenta y siete que me remezan sobre la casa dotres hermanos de Londres. Aprueba en toda sus partes esta negociacion y espero que no será la ultima en que pueda ofrecer à vds. una buena comicion. Participo a vs. la llegada del Bergantir Galgo a Barcelona. Segun me lo anuncia el amigo Plandolit con una muy buena navegacion. En primera oportunidad se sirviran vds. remitirme cuatro millares de purros de regalia, uno de damas un cajons de a dos cientos cincuenta, y dos sacos de cafe caracolillo de primero calidad cuyo importe me cargaré por primera partidad en cuanto nueva. Como todos los diaz se presentan en esa amigos que vienen á pretender a esta corte, he de estimarle que en comienden estos en cargos a algunos de ellos, aquien abonaré los gastos a su presentacion. Mantengase vds. buenos y no ofreciendose otra cosa por hoy quedo de vds. aff'mo amigo y S. S. Q. S. M. B.

ROQUE MORENO.

Sesta carta.—S'res D. Rosendo, Fernandez y Comp'a duplicando, Habana. Madrid, veinte y seis de Noviembre, de mil ocho cs. treinta y ocho. Muy s'res mios: Tengo a la vista su apreciable del treinta de Setiembre ultimo, en que me participan haber vendido mi titulo de los sesenta mil arpanes de tierra en la Luciana à D. Antonio Garcia Cuesta en esa. Por la suma de ocho mil pesos fuertes sin responsabilidad, cuya cantidad deducido el diez por ciento sobre los cinco mil quinientos que forman la utilidad de este negocio y deducido asi mismo que les adendaba en cuenta hasta la fecha es ya en mi poder con las mil tres cientos setenta y siete que me remeran sobre la casa Dotres hermanos

de Londres. Apruebo en todas sus partes esta negociacion, y espero que no será la ultima en que pueda ofrecer à vds. una buena comision. Participo á vds. la llegada del Bergantin Galgo á Barcelona, segun me lo anuncia el amigo Plandolit, con una muy buena navegacion. En primera oportunidad se serviran vds. remitirme cuatro millares de puros de regalia, uno de damas en cajones de a docientos cincuenta y dos sacos de café caracolillo de primero calidad, cuyo importe me cargará por primera partida en cuenta nueva. Como todos los diaz se presentan en esa amigos que vienen a pretender a esta corte, he de estimarles que en comienden estos en cargos a algunos de ellos aquien abonaré los gastos en presentacion. Mantenganse vds. buenos, y no ofreciendose otra casa por hoy quedo de vds. aff'mo amigo y S. S. Q. M. B.

ROQUE MORENO.

Deciembre veinte y uno. Desde que escribi a vds. mi anterior carta veinte y seis de Noviembre, se me han presentado tres pretendientes, dos de ellos Ingleses de los Estados Unidos, queriendo hacer negocio con los sesenta mil arpanes de Iriarte. Cuando han sabido que ya lo habia hecho por medio de vds. mi han dicho que ellos me habrian dado mucho mas. Pero yo estoy contento con la garancia que en este negocio he encontrado, se muy bien que del dicho al hecho hay gran trecho, y por lo tanto reitero à vds. mis mas espresivas gracias, que dando siempre de vds. aff'mo amigo Q. B. S. M.

ROQUE MORENO.

Translation of the foregoing document.

Letter No. 3—Roque Moreno.

Messrs. Don Rozendo, Fernandes & Company, in Havana:

MADRID, *twenty-eighth of July*, 1838.

DEAR SIRS: When I wrote to you the 28th of May last, and its duplicate the 26th of June, I was ignorant of various circumstances which I have since learned, relative to the business of the sixty thousand arpents of land in Louisiana which I bought from Don Antonio Yriarte. I did not know then, what I have since learned, that the reclamation which I recommended to be established against the Government of the United States would not be determined so soon as I had promised myself; and, on the other hand, I am likewise assured that I could never obtain possession of these lands without relinquishing my country by making myself a citizen of the United States. Not for all the gold in the world would I do such a thing, especially as it is my wish, after a few years have passed, to go to my native village to die in peace. For this reason, I have deemed it prudent to write to you, authorizing you fully and completely to sell the title, which I remit to you, of the said sixty thousand arpents, whether you meet a purchaser in this place or in any other place, where you believe you can sell at the highest price. This land having cost me fifty thousand reales, as I have shown to you, you should have ten per cent. upon that part of the profits which will

[illegible] to me in the business. I am certain that this operation will be done quickly, on account of your proximity to Louisiana; and that there they can appreciate the value of this title of land, which cannot be done in Madrid. But if, by accident, which I cannot foresee, you cannot sell, you will inform me with frankness, so that I may take measures in the matter. You will remit to me the proceeds which result to me, after you have completed the sale, in bills of exchange on London, directing them always to this court. The revolutionists give us much trouble here. You must consider yourselves happy for the profound peace that you enjoy.

By the mail vessel number three have arrived, and are now in my possession, two thousand cigars, puros, which you have had the kindness to send me; and having nothing further, I repeat to you my assurance of respect, &c., &c.

Letter No. 4 is a duplicate of No. 3.

Letter 5—Roque Moreno.

Messrs. Dn. Rosendo Fernandez & Co., Havana:

MADRID, 26*th November*, 1838.

DEAR SIRS: I have before me your favor of the 30th of September last, in which you inform me that you have sold my title to sixty thousand arpents of land in Louisiana to Dn. Antonio Garcia Cuesta, of this place, for the sum of eight thousand dollars, without guarantee; which said amount, after deducting ten per cent. upon five thousand five hundred dollars, which are the profits made on this transaction, and also after deducting what I owe you for balance of account till date, I have received, together with one thousand three hundred and seventy-seven dollars that you have remitted me on the house of Dotres & Brothers, of London.

I approved entirely this transaction, and I hope that it will not be the last one in which it will offer you a chance of making out a good commission. I take this occasion to give you notice of the arrival of the brig Galgo, in Barcelonne, as I have been informed by friend Plandolit. She has made a very good trip. By the first opportunity, be kind enough, if you please, to send me four thousand cigars, puros de regalia, one thousand de damas, in boxes of two hundred and fifty, and two sacks of coffee, Caracolillo, of first quality. The value of these articles please charge me on a new open account. As we have from your city friends almost every day, friends that come to solicit at this court, I will be obliged to you to give charge to one of them of these articles, to whom I will pay the costs on presentation; and having nothing further, I repeat to you my assurance of respect.

Letter 6 is a duplicate.

Letter 7—December twenty-first.

Since my letter of the twenty-sixth November, three persons have presented themselves to me. Two of them are Englishmen from the

United States, who wished to purchase the sixty thousand arpents Yriarte. When I informed them that I had sold the land through your mediation, they told me that they would have given me much more. But I am perfectly satisfied with the profits realized in this transaction. I know very well that I have made a great benefit on this sale, and for this I reiterate to you my most expressive thanks; and please consider me always your most affectionate friend.

ROQUE MORENO.

I certify the foregoing to be a true translation of document A a.

(Signed) LS. DUVIGNEAUD,
Interpreter United States district court.

(4o.) And further, on the same day, the plaintiff offered in evidence the depositions of José Robert Y. Girona, P. M. del Campo, E. Mazureau, L. Bouligny, and L. C. Blache, taken before N. R. Jennings, commissioner; which depositions are in the words and figures following, to wit:

MICHAEL MOORE
vs.
THE UNITED STATES et al.

In the above entitled cause, after due notice given to the respective parties, represented by their counsel, to appear before me, the commissioner to take testimony in land causes according to the rules of court, on this the second day of March, at 10 o'clock, a. m., the plaintiffs, represented by their counsel, W. W. King, esq., and the United States, by the district attorney, appeared, when the plaintiff introduced the witness whose depositions, when taken, are to be used on the trial of this cause.

Jose Robert Y. Gerona, witness for plaintiff, being duly sworn, states: That being shewn the document marked , filed in this court with the petition in this cause, and his attention being directed to the signatures therein of Rosendo, Fernandez & Co., and of the other signatures thereto, says, that he recognises the signature of said Rosendo, Fernandez & Co., to be their true and proper signature; that he has the same signature in his possession; and that, to the best of his knowledge and belief, it is the genuine signature of the said Rosendo, Fernandez & Co.; the signature was attached to documents and letters addressed to him; that he, witness, has been in correspondence with them for more than eight years. Said signature is attached to the transfer from Rosendo, Fernandez & Co., to Don Antonio Garcia Y Cuesta.

Cross examined by the district attorney.

States that he has seen Rosendo, Fernandez & Co., write five or six years ago, at Havana.

(Signed) JOSE ROBERT Y GIRONA.

José Martinez del Campo, on behalf of plaintiffs, being duly sworn, states that, being shewn the signature of Roque Moreno, attached to the

Fernandez & Co., in the document A, attached to the petition, or filed therewith, recognises it to be the genuine signature of the said Roque Moreno. That he knows the signature well, having been in correspondence with him for four years, receiving letters and addressing them to him monthly.

Cross examined by the district attorney.

States that he is forty-four years of age; lives in New Orleans, having lived here for five years; by profession or occupation a merchant; a Spaniard by birth; that he has been in Madrid for ten years, from the year 1815 up to the year 1825; that he has never been in Madrid since; when he lived in Madrid he did not know Roque Moreno personally, knowing him only by name and reputation; the said Moreno was a merchant at the time witness was in Madrid; he does not know Moreno's age at that time; that he was a man advanced in years, and thinks that he is now dead; he has some letters in Havana signed by Moreno, but none in New Orleans; he thinks that the first letters received by him from Moreno were in the years 1834 or 1835; cannot exactly remember; witness heard, mentioned to him about three years ago, in New Orleans, that Moreno was dead; he does not know the fact whether he is dead or not.

(Signed) JOSE MARTINEZ DEL CAMPO.

Etienne Mazureau, on behalf of plaintiff, being duly sworn, states that, being shewn the document A, already referred to, and that part of it purporting to be a sale of land from the Government of Spain to Antonio Iriarte, in said document, to which the signature of Morales, Leonard, and Valdes are attached, he recognises among them that of Morales and Leonard to be the true signatures of the said Morales and Leonard; that he has often seen them write; that he does not know the signature of Valdes; the said Morales was intendant of the province of Louisiana, &c., under the Spanish Government; Leonard was treasurer and contador.

Cross examined by the district attorney.

States there was a man by the name of Valdes secretary of the intendant; that *of* witness did know him, he does not recollect the man; witness arrived in New Orleans from New York on the 3d of March, 1804; that, before that period, he was not in New Orleans; that the above named officers were *were* kept up to that period, and until the fall afterwards; the officers embarked in the said fall, some for Havana and others for Pensacola.

(Signed) MAZUREAU.

Louis Bouligny, on behalf of plaintiff, being duly sworn, states, that he is sixty-five years of age; born in Louisiana; that, until 1803, he resided in the city of New Orleans, and from that time to the present near the city; being shewn the instrument in document A, purporting

to be a sale of lands from the Government of Spain to Antonio Iriarte; he recognises thereto the signatures of Morales, Leonard, and Valdes, as the true signatures of the said persons; Morales was contador, and discharged the duties of intendant of the province of Louisiana, under the Spanish Government; the intendant being absent, Leonard was treasurer and discharged the duties of contador; Valdes was an officer of the treasury; he performed the duties of treasurer. States that he knew all those said persons personally, and knew them well.

He did not know Antonio Iriarte. He states that, to his knowledge, there was a man *as* the name of Antonio Iriarte at that time in Louisiana, but witness did not know him personally. Does not know whether he left the country subsequently or not; does not know any man of that name, at this time, in New Orleans.

Cross examined by the district attorney.

States that, in speaking of the man Iriarte, and the facts therewith, he refers to a period of time from the year 1795 to 1803.

In 1797, Morales was intendant ad interim; he knows the fact from having obtained his commission as a military officer from the said Morales at that time—his commission being countersigned by the said Morales; Randon was the intendant who preceded Morales; the said Rendon went to Mexico in the year 1794 or 1795; Morales then performed the duties of intendant for four or five years; then arrived a man by name Alphonso Manuel Lopez Y Aquilla as intendant, who discharged the duties of that office for about two years; then Morales succeeded him as intendant, and he was the last in that office. Witness states both names of an individual are, in the Spanish language, generally called the baptismal and the forename; that he thinks Antonio was the given name of the man spoken of [as] Iriarte.

States that he was very intimate with the Spaniards at that time. Iriarte was engaged in commerce. Does not know that he had a family; never heard it said that Iriarte was dead.

States that he had intimate relations with all the officers of the civil department; that he knew well the persons employed in the office of intendant. Witness has examined the body of the document referred to and above specified, and perceives it to be a Spanish handwriting; does not know by whom written; and upon Spanish paper knows. Knows Mr. Hiriart, of Pointe Coupee. It is not the same name with Iriarte.

(Signed) L. BOULIGNY.

Charles Louis Blache, duly sworn on behalf of the plaintiff, states that he is seventy-four years of age; that he has been residing in New Orleans ever since his birth. Being shown the instrument in document A, purporting to be a sale from the Spanish Government to Antonio Iriarte, he recognises thereto the signatures of Morales, Leonard, and Valdes, as their true and genuine signatures. He knows them well, having been employed with the said persons in the department of the

[illegible] twenty-five to thirty years. States that Morales was intendant ad interim, Leonard was treasurer, and Valdes was secretary, in the province of Louisiana, under the Government of Spain.

Witness states that he himself was an officer in the intendancy.

Witness has often heard the name of Iriarte mentioned; he has no recollection of having known him; he was always spoken of as an inhabitant of this country; he thinks that he heard it mentioned that Iriarte was an intimate friend of Morales.

States that under the Spanish regulations the applicant for land presented his request to the intendant, after which a plan was made if the request was granted, and according to which the calculations of the purchase money were made, and the purchaser paid the price. States that when the Americans took possession of the country, the records of the department of the intendancy were carried off to Havana.

Cross examined by the district attorney.

States that in speaking of Iriarte he refers to the period of 1794, –'5, or –'7; his memory is not sufficiently good to call the exact time.

Witnes recollects perfectly well the signatures of Morales, Leonard, and Valdez. Believes that Iriarte was engaged in trade. Cannot explain why the document A is cut as it appears to be; believes that it must have been done in wantonness. States that documents in the intendancy department were never cut in that way. The population of New Orleans, at that time, witness thinks to have been about eight thousand.

Witness never heard at that time of but one person called Iriarte. States that in those times the Spaniards changed the pronunciation of name, inasmuch as they sounded every letter, especially the last letters.

Heard the name of Iriarte mentioned during the space of ten or twelve years; does not know that during that time he resided in the city of New Orleans.

States that when the Americans took possession of the country there were many Spaniards in it; he may have heard the name of Iriarte mentioned, but he is not certain. Leonard was the person who received the moneys arising from the sales of land, in conformity with the order of the intendant. Witness was in the department of the intendant, not in that of the treasury. The officers of the intendancy and the treasury were in the same building, but in different parts thereof. That during the year 1797 he was very intimate with the persons employed in the office of treasurer. There were three persons in the office of the treasury including the treasurer; the brother of witness was the chief clerk, and there was one other clerk.

States that he is quite certain that he knows the handwriting of the body of the instrument already referred to in doc. A, but he cannot tell whose it is.

That he recognises it as the handwriting of some one employed in the office of the intendancy, but cannot designate which one, there being a number in said department.

Receipts for money were generally written in the office of the trea-

sury, but they were, or might be, written in the other office, the custom generally was in the office of the treasury. The document referred to is not in the handwriting of his brother, nor of Leonard, the treasurer.

Examination in chief resumed.

Witness says that he recognises the paper upon which the document is written to be Spanish paper. Witness has not the least doubt that the document was all made out in the office of the intendant and the treasurer. The form of the instrument already referred to in document A is the form of the receipt, and in the manner in which they were given in the department referred to.

The witness cannot write on account of a nervousness now of his hands, amounting to a disease.

his
LOUIS CHARLES X BLACHE.
mark.

I, N. R. Jennings, duly appointed commissioner to take evidence in land causes, do certify, that the foregoing witnesses appeared before me, that their several depositions were reduced to writing in their presence, and that the same, after being written, were carefully read over by me to them respectively before signing, and that all interlineations and erasures were made by me before they subscribed their names thereto. And that in my presence they subscribed their names to their respective depositions.

As witness my hand this second day of March, 1847.

(Signed) N. R. JENNINGS, *Com.*

Jose Martinez del Campo, witness for plaintiff, being recalled this day, and being shown the signature attached to the transfer of Michael Moore, in document A, of Antonio Garcia Cuesta, states that the same is his true and proper signature; that he has seen the said Cuesta write, and therefore knows it.

States that the discolored appearance of the paper, the document A, in his opinion arises from certain things, which he states as follows: That the officers of quarantine in Spain, in order to prevent the spreadancy of infectious diseases, immerse documents in vinegar, and cut them in the manner of the document A, in question, in order to make the vinegar penetrate more easily. This, he thinks, has been the case with the document A, and therefore its discolored and cut appearance.

States that all the documents from Spain are cut in like manner; that he has often seen them; he has in his possession letters cut in the same way.

Cross examined by the district attorney.

States that he thinks Cuesta is in Havana; that he, witness, has been absent from that place for four or five years; has known Cuesta in Havana a long period of time, from six to eight years; does not know

what country he came; thinks he is a Spaniard. Cuesta was a merchant in Havana; witness knew him well, although not very intimate with him. Cuesta had no family—a bachelor; he has often seen Cuesta in Havana; states that Cuesta had a wholesale grocery store in Havana, on Amagoula street; does not know the number, between San Ignacio, and Macerderes streets; that he, Cuesta, kept a grocery store; witness has been in his store a hundred times when passing by; witness states that he never saw Cuesta write his name with his own hand; states that the age of Cuesta was from thirty to forty years. It has been about six years since witness left Havana, and about three years ago witness visited Havana; states that for about seven years, being the time since he left Havana, he has lived three years in Europe, and the balance of the time in this country, where he now resides; witness left Havana in the year 1840; witness states that he has often conversed with Cuesta when he, witness, lived in Havana; the last time he was there he did not converse with him, having no business with him. In the year 1838, witness resided in Havana; Cuesta also resided there at that time; during the year 1838, Cuesta did not speak to witness, nor say any thing about the lands, which he, Cuesta, possessed in Louisiana; never mentioned to him, witness, that he, Cuesta, had bought lands in Louisiana; witness thinks that from Cuesta's account he was a Spaniard; from his manners, deportment, and reputation, witness would say that Cuesta was a man well brought up.

States that he has had transactions with Cuesta, having bought from and sold to him. That they mutually paid each other money. States that on the bill which Cuesta made out against him, witness, that he, Cuesta, acknowledged thereon receipt of the bill—witness has more than one of these bills—he can't say how many. The accounts alluded to by witness are now in Havana, in the house of Rebuelta, Desmestre & Co., Havana, of which house witness is now a partner in commendam. Witness states that it has been about three years since he was in Havana—that when there last he remained for one month at the hotel, and did not see Cuesta. In 1846, witness was in N. Orleans, three months of the time he past at Baton Rouge, the balance of the year in this city. He was in Baton Rouge, he thinks, in the months of July, August, and September—witness did not see Cuesta in New Orleans before he left for Baton Rouge—witness knows Michael Moore.

Witness states that he came to the court yesterday in consequence of a subpœna from the said court, and that he came to-day, having been told to come by one of Robert's clerks.

That Moore and witness have talked together about the first, but never conversed with him about the signatures. States that he never mentioned to any one that he knew the signatures, of which he is called to testify.

Witness does not know for what motive he was called upon to testify—that he came yesterday upon a citation from the court. Witness has no commercial house here. He transacts his business here at the

house of Roberts & Co., and owns two houses, (real estate) [illegible] a merchant, and does but little business.

Witness knows that the present suit is a claim for land, but knows nothing of the merits. He has no interest in this suit. The last time witness was in Europe he did not visit Spain.

Witness in speaking of the time since he left Havana, says that he cannot speak punctually without reference to some documents.

(Signed) JOSE MARTINEZ DE CAMPO.

I, N. R. Jennings, do certify, that the testimony of Jose Martinez del Campo, recalled on behalf of plaintiff, was reduced to writing in my presence; that the same was carefully read over to him, and that erasures and interlineations therein were made before subscribing his name thereto.

As witness my hand and seal this 3rd day of March, 1847.

(Signed) N. R. JENNINGS, *Com'r.* [SEAL.]

And afterwards, at the May term, 1848, to wit, on the 28th day of May, 1848, the following entry was made of record in this case:

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The trial of this cause was to-day resumed, the same parties appearing; when, after hearing evidence and argument on both sides, the court took the case under consideration.

Evidence offered by plaintiff on the said 20th day of May, 1848.

Depositions of Ramon Pinto, Francisco Rebuelta, and Joaquin Demestre, taken under a commission to R. B. Campbell, consul of the United States at Havana.

Commission.

District court of the United States, for the district of Louisiana.

To R. B. CAMPBELL, esq., *at Havana.*

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call, and cause to come before you Francisco Rebuelta, Ramon Pinto, and Joachim Desmestro, and them duly examine on oath, touching and concerning certain matters and things in a cause now depending in the said court, whereas Michael Moore, is plaintiff and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court, without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable Theodore H. McCaleb, judge of said court, at the city of New Orleans, this twenty-first day of January, anno domi-

and the 72d year of the independence of the United States of America.

[SEAL.] (Signed) N. R. JENNINGS, *Clerk*.
By A. BOISBLANC, *Dep. Clerk*.

Interrogatories.

Interrogatories to be propounded by virtue of the annexed commission, to Francisco Rebuelta, Ramon Pinto and Joachim Demestre, witnesses residing at Havana, in the Island of Cuba; the answers to be used as evidence in behalf of the plaintiff in a case now pending in the district court of the United States, for the eastern district of Louisiana, in which Michael Moore is plaintiff, and the United States of America are defendants.

Interrogatory 1. You will please examine the annexed copies of two letters, and duplicates thereof, from Roque Moreno, at Madrid, to Rosenda, Fernandez & Co., at Havana; one dated on the 28th day of July, 1838, and the other dated on the 26th day of November, 1838.

Have you ever seen the originals of which they purport to be copies? Are the above correct copies of said originals? Have you compared them, so as to speak with certainty as to the correctness of the said copies?

Interrogatory 2. Where are the originals of which the letters above referred to are copies?

According to the laws and usages of the Island of Cuba, can the said originals be obtained by the plaintiff in this suit, so as to be used by him in evidence in the courts of this country?

Interrogatory 3. Are you acquainted with the signature and the handwriting of Roque Moreno? Have you ever seen him write; if not, how do you know his signature and handwriting? Have you seen his signature to the original letters of which the annexed are copies? Do you or not know that to be his genuine signature affixed to each of said letters?

(Signed) ELMORE & KING,
Attorneys for Plaintiff.

The undersigned, reserving to himself the benefit of all legal exceptions to the above interrogatories, and to all the matters and things connected therewith, declines propounding any cross interrogatories.

THOMAS J. DURANT,
Attorney of the U. S., for the dist. of La.

Depositions.

In obedience to a commission issued out of the court of the United States for the eastern district of Louisiana, and directed to Robert B. Campbell, esq., at Havana, to take testimony in a cause therein pending, and at issue, in which Michael Moore is plaintiff, and the United States defendants, I, Robert B. Campbell, caused the witnesses named in the said commission severally and separately to appear, who, after being by me duly sworn according to law, did depose and say as fully appears above their respective signatures.

HAVANA, [illegible]

Ramon Pintó, having personally appeared, and being duly sworn according to law, did depose and say as follows:

To the first interrogatory he sayeth. Yes; that he saw them copied by the escribano de real hacienda, Licenciado Marcelino de Allo. He saw the originals, when they were copied by the escribano, at the house of Rebuelta, Demestre & Co.; he says that they are correct and true copies; he states that he was present at the request of the plaintiff, and read and compared the originals and copies.

To the second he sayeth The originals are at the house of Rebuelta, Demestre & Co., who were the successors of Rosendo, Fernandez & Co.

Under the laws and usages of the island of Cuba, the holder of the originals cannot be compelled to surrender them, but they may be compelled to exhibit them to a notary public for the purpose of having copies taken.

To the third he sayeth. He knows the signature and handwriting of Roque Moreno, and is personally acquainted with him. He has seen him write frequently; he has seen the signature to the original letters, of which are annexed copies to the commission.

(Signed) RAMON PINTÓ.
ROBERT B. CAMPBELL.

Deposition of Francisco Rebuelta.

Francisco Rebuelta personally appeared, and after being duly sworn, according to law, did declare and depose as follows:

To the first interrogatory he sayeth. He has seen the originals of the copies of letters attached to the commission, and says that they are correct and true copies; he has compared the copies with the originals at the time the annexed copies were made by the notary public, and therefore speaks with certainty as to the correctness of the said copies.

To the second he sayeth. The originals of the letters, from which the annexed copies were taken, are in possession of the firm of Rebuelta, Demestre & Co., of which firm he is a member. He does not know what the laws in the island of Cuba may be in relation to the subject of giving up the originals; that the house of Rebuelta, Demestre & Co., had been applied to for the originals at the time the annexed copies were taken, but that they had resisted the application, and only allowed the originals to be used in their presence by a notary public for the purpose of taking copies, and would still refuse the originals, as the interest of the house requires them to be kept as vouchers.

To the third he sayeth. He knows the signature and handwriting of Roque Moreno. He says that he has never seen him write; he knows the signature and handwriting by frequent correspondence seen by him when he was a clerk of the house of Rosendo, Fernandez & Co.; that drafts in that handwriting, and with that signature, which appears in the originals, have been paid on account of Roque Moreno; he has seen

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signature to the originals, of which the annexed are copies; he knows the signatures to the originals to be the genuine signature of Roque Moreno.

(Signed) F'CO. REBUELTA,
" ROBERT B. CAMPBELL.

Testimony of Joaquim Demestre.

HAVANA, *February 11th*, 1841.

Joaquim Demestre personally appeared, and after being duly sworn, according to law, did declare and depose as follows:

To the first interrogatory he sayeth. That he has heretofore compared the copies annexed to the commission with the originals, of which they purport to be copies, and that they are correct and true copies; and he testifies with certainty to that effect.

To the second he sayeth. That the originals are in the possession of Rebuelta, Demestre & Co., successors to Rosendo, Fernandez & Co. He thinks that, according to the laws and usages of the island of Cuba, the originals cannot be obtained by the plaintiff, as they are private property, and necessary to the house of Rebuelta, Demestre & Co. as vouchers.

To the third he sayeth. He knows the signature and handwriting of Roque Moreno; he does not know Moreno personally, and has never seen him write; he knows the signature and handwriting by the frequent correspondence between Roque Moreno and Rosendo, Fernandez & Co., when he was a clerk of Rosendo, Fernandez & Co.; he has seen the signatures of Roque Moreno to the original letters referred to; and that he knows the signatures to the said letters to be the genuine signature of Roque Moreno.

(Signed) JOAQUIM DEMESTRE,
" ROBERT B. CAMPBELL.

The testimony here closed on the part of the plaintiff.

Note of evidence offered on the part of the defendants, by the district attorney, to wit:

Collateral evidence as to "Morale's habitual" mode of signing officially, and Gilberto Leonard's—reference being made and had to the following documents:

1o. In land suit No. 44, (J. J. Duplantier vs. the United States;) document A being a patent from Morales to Jean Baptiste Labatut.

2o. In suit No. 10, (Jos. Reynes vs. the United States;) original title, "Doc. A."

3o. In suit No. 11, (J. and H. Johnson vs. the United States,) "Doc. A."

4o. In suit No. 49, (Juan Tala vs. the United States,) "document A."

5o. In suit No. 120, (Heirs of Lynd vs. the United States,) "document A."

6o. In suit No. 7, (Heirs of De Armas vs. the United States,) "document A." (Transcript.)

The testimony here closed on the part of the defendants.

And afterwards, at the May term, 1848, to wit, on the 28th day of June, 1848, the following judgment was rendered and entered of record in this case, to wit:

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THE UNITED STATES.

This cause came on to be tried upon the petition, answers, replications, depositions, exhibits, and proof, and the same was argued by counsel and submitted to the court.

And the court having maturely considered the same, and being satisfied from the evidence that, on the 11th day of September, seventeen hundred and ninety-seven, A. D., the Government of Spain, through its duly authorized officers, sold to Antonio Iriarte, a resident of Louisiana, sixty thousand superficial arpents of land, situated in the State of Louisiana, in the angle between the rivers Mississippi and the Atchafalaya, commencing at the point where the two rivers join, or, in other words, where the Atchafalaya river leaves the Mississippi, and running down between the said two rivers for the quantity of six thousand superficial arpents of land, for the sum of twenty-four thousand reals—a real being equivalent to twelve and one-half cents of the money of the United States;

And the court being further satisfied from the evidence of the legality of the mesne conveyances from the said Iriarte to the petitioner;

And the court being further satisfied that the said sale was good and valid under the laws of Spain, and might have been perfected into a complete title, under and in conformity to the laws, usages, and customs of the Government of Spain, had not the sovereignty of the country been transferred to the United States;

And the court, further considering that the said sale and title acquired thereby was protected by the treaty between the Government of Spain and the Government of France, made on the 1st of October, eighteen hundred, A. D., commonly called the treaty of St. Ildephonso;

And that said title was protected by the treaty between the Government of the United States of America and the French Republic, made on the thirtieth day of April, eighteen hundred and three, A. D.;

Now this court, acting under and by virtue of the act of Congress of 26th of May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," and also an act of the 17th day of June, 1844, "for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of Mississippi and Alabama south of the 31st degree of north lati-

[illegible] and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed;

That the petitioner, Michael Moore, is the true and lawful owner of, and has good title against the United States, the defendants, in and to all the lands and hereditaments claimed by him in his petition, to wit, to sixty thousand superficial arpents of land, situated in the State of Louisiana, between the rivers Mississippi and the Atchafalaya, in the angle formed by the said two rivers, commencing at the point where the Atchafalaya river leaves the Mississippi, and running down between the two rivers, with the said rivers as boundaries on two sides, for the above quantity.

It is further ordered, adjudged, and decreed, that, in case said lands so claimed by said petitioner, or any part or portion thereof, shall have been sold by the United States, or otherwise disposed of, said petitioner, Michael Moore, shall be, and is hereby, authorized to enter in any land office in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

And it further appearing that Thomas Butler and John Black hold their lands by title acquired from the United States; it is ordered, adjudged, and decreed, that they be quieted in their titles, and that the petitioner recover nothing from them.

And that judgment pro confesso be entered against John Hagan, Charles W. Hopkins, and H. L. Williams, A. Ledoux and A. Miltenberger, they not having answered the petition filed in this case.

Judgment rendered June 28th, 1848.

Judgment signed June 30th, 1848.

(Signed) THEO. H. McCALEB, [SEAL.]
United States Judge.

And afterwards, at the May term, 1848, to wit, on the 5th day of December, 1848, the following motion was made in open court, and the following order for an appeal entered of record in this case:

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THE UNITED STATES.

On motion of Thomas J. Durant, esq., attorney of the United States for the district of Louisiana, it is ordered by the court, that from the judgment rendered herein on the 28th June, at the present term, an appeal be allowed in favor of the United States, returnable to the Supreme Court of the United States, at the next term thereof after the date of this order.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that

the foregoing seventy-three folios and (74th) seven lines, contain form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matter on file and of record in a certain cause in chancery, wherein Michael Moore is plaintiff or complainant, and the United States of America are defendants, No. 133 of the land docket of said court.

In testimony whereof I have hereunto set my hand, and affixed the seal of said court, at the city of New Orleans, this 24th day [SEAL.] of September, one thousand eight hundred and forty-nine, and seventy-fourth year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern dist. of Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal, at New Orleans, this 25th day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

The United States of America, to Michael Moore, residing in the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an order of appeal, granted on the fifth day of December, 1848, by the district court of the United States, in and for the district of Louisiana, in a certain cause in chancery, (under the acts approved May 26th, 1824, and June 17th, 1844,) entitled (No. 133,) Michael Moore vs. The United States, wherein the said United States of America are appellants, and you are appellee; to show cause, if any there be, why the judgment rendered against the appellants, as in the said order of appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand, and the seal of the said court, at the city of New Orleans, this 24th day of September, A. D. 1849.

THEO. H. McCALEB, [SEAL.]
Judge of U. S. dist. court, eastern dist. of Louisiana.

ELMORE AND KING, *Attorneys.*

Attest: ROBERT M. LUSHER, *D'y Clerk.*

Marshal's return.

Received October 9, 1849, and on the 16th October, 1849, served a copy of the within citation of appeal on William A. Elmore, esq., one of the attorneys for the plaintiffs, by handing the same to him in person at New Orleans, and who at the time accepted service for the plaintiffs.

N. W. BUTLER,
D'y U. S. marshal, eastern dist. of Louisiana.

Returned 18th October, 1849.

Return registered, October 18, 1849.

ROBERT M. LUSHER, *D'y Clerk.*